IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1246 OF 2005

Chandrahas C. Dayal. ..Petitioner.

V/s.

The State of Maharashtrad & Ors...Respondents.

Mr.Shyamkumar V. Marwadi for petitioner.

Ms. M.M.Deshmukh, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : DECEMBER 7, 2005.

P.C. :

1. Heard. The grounds raised before this Court can be effectively answered by the Revisional Court.

2. As alternative efficacious remedy is available to the Applicant by way of revision before the Sessions Court in view of the decision of this Court in the case of **V.K.Jain & Ors. vs. Pratap V.Padode reported in 2005(3) Mh.L.J. 778,** no interference is warranted.

3. This application is disposed of with liberty to take recourse to remedy of revision, if so advised. All questions are left open.

4. The Applicant to file such Revision Application within four weeks from today. Till such time, no precipitative action be taken against the Applicant. Revision Application, if filed within four weeks from today, be considered on its own merits in accordance with law.

5. In case, there is delay in filing Revision Application, Court will take into account the fact that the Applicant had first approached this Court, which period may be excused in computing delay.

7. Counsel for the petitioner submits that matters pertaining to co-accused have been decided by this court on November 19, 2005. If it is so, that position be brought to the notice of Revisional Court.

8. Application disposed of on the above terms.